

United States District Court  
Southern District of Texas  
FILED

DEC 26 2000

Michael N. Milby, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

NATIONWIDE HOUSING SYSTEMS, INC.

Defendant

§  
§  
§  
§  
§  
§  
§  
§

Civil Action No. CA-00-125

**JOINT MOTION TO ENTER CONSENT DECREE**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Plaintiff Equal Employment Opportunity Commission ("EEOC") and Defendant Nationwide Housing Systems, Inc. and file this, their Joint Motion to Enter Consent Decree in the above-captioned civil matter. In support of this Motion, the parties respectfully show the Court as follows:

EEOC and Nationwide Housing Systems, Inc. have resolved, compromised, and settled all matters at issue in this litigation, as evidenced by their signatures on the Consent Decree accompanying this Motion.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Equal Employment Opportunity Commission and Defendant Nationwide Housing Systems, Inc. respectfully request that this Court enter the Consent Decree attached to this Motion.

Respectfully submitted,

C. GREGORY STEWART  
General Counsel

4A.

**GWENDOLYN YOUNG REAMS**  
Associate General Counsel

**ROBERT B. HARWIN**  
Regional Attorney  
D.C. State Bar No. 076083

**LINDA GUTIERREZ**  
Supervisory Trial Attorney  
Texas State Bar No. 08642750  
Southern District No. 14464

*William O. Ashcraft*  
*(W/permission by Anita Alessandra)*  
**WILLIAM O. ASHCRAFT**  
Attorney-in-Charge  
Texas State Bar No. 01372800  
Southern District No. 11654

*R. Chris Pittard*  
**R. CHRIS PITTARD**  
Attorney-in-Charge  
Texas State Bar No. 00794465  
Southern District No. 23449

**ANITA M. ALESSANDRA**  
Texas State Bar No. 00988000  
Southern District No. 13936

**ASHCRAFT LAW FIRM**  
8750 North Central Expressway  
Suite 1070  
Dallas, Texas 75231  
Telephone: (214) 987-0660  
Telecopier: (214) 987-3847

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION**  
San Antonio District Office  
5410 Fredericksburg Rd., Suite 200  
San Antonio, Texas 78229-3555  
Telephone: (210) 281-7636  
Telecopier: (210) 281-7669

**ATTORNEYS FOR PLAINTIFF**

and

**TOM M. HARRISON**  
Texas State Bar No. 09122300  
Southern District No. 1891  
**ROXANA V. SHIA**  
Texas State Bar No. 00785146  
Southern District No. 15608

**HORNBLOWER, MANNING & WARD, P.C.**  
711 N. Carancahua, Suite 1810  
Corpus Christi, Texas 78475  
Telephone: (361) 888-8041  
Telecopier: (361) 888-8222



COPY

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

United States District Court  
Southern District of Texas  
FILED

DEC 26 2000

Michael N. Milby, Clerk

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

NATIONWIDE HOUSING SYSTEMS, INC.

Defendant

§  
§  
§  
§  
§  
§  
§  
§

Civil Action No. CA-00-125

**CONSENT DECREE**

The parties to this Consent Decree are the Plaintiff, United States Equal Employment Opportunity Commission ("EEOC"), and Defendant, Nationwide Housing Systems, Inc. ("Nationwide"). This Consent Decree resolves the allegations raised by the EEOC in the above-referenced Civil Action No. C-00-125. The EEOC initiated this lawsuit under §623(a) of the ADEA, 29 U.S.C. § 623(a), to correct alleged unlawful employment practices on the basis of age, and to provide appropriate relief to James W. Stovall, who the EEOC maintains was adversely affected by these alleged practices based on his age. The EEOC alleges that James W. Stovall was subjected to unlawful discrimination when Nationwide failed to promote Stovall to the position of general manager. Nationwide denies the allegations brought by the EEOC as alleged in the Complaint filed in this Civil Action.

The EEOC and Nationwide wish to settle this action, without the risks, uncertainties and expenses of continued litigation, under the terms in the Decree. Neither Nationwide's consent to the entry of this Decree, nor any of the terms set forth in it, shall constitute or be construed as Nationwide's admission of any ADEA violation.

IT IS ORDERED, ADJUDGED AND DECREED as follows:



1. This Court has jurisdiction of the subject matter of this action and the parties, venue is proper, and all administrative prerequisites to the EEOC's filing of this action have been met. The parties stipulate to the Court's jurisdiction.

2. This Decree is entered in full and complete settlement of all claims contained in this lawsuit. EEOC expressly reserves its right to process and litigate any other charges (other than EEOC Charge No. 36B 97 0273 filed by James W. Stovall against Nationwide) which may now be pending or may in the future be filed against Defendant Nationwide.

3. The duration of this Decree shall be two years from the date of its filing with the Court. This Court shall retain jurisdiction of this action during the period of this Decree and may enter further orders or modifications as may be appropriate.

4. Defendant Nationwide is enjoined from engaging in any employment practice which discriminates on the basis of age, including, but not limited to promotion.

5. Within one (1) year of the date of entry of this Decree, one of Nationwide's human resources personnel, general counsel, or an attorney from the law offices of the Ashcraft Law Firm, P.C., shall provide EEO training to the regional manager and all general managers in Region 18 (consisting of the sales centers in Boerne, Corpus Christi, New Braunfels, and Seguin) of the South Division of Defendant Nationwide. The training shall: (a) explain that age discrimination is unlawful; (b) instruct what conduct may constitute age discrimination; and (c) explain the damaging effects of age discrimination to victims, their families, their co-workers, and the workplace environment. Within 20 days after the EEO training has been completed, Nationwide shall provide to the EEOC a written report identifying each individual who attended this training and the date(s) and time of attendance. This training may be conducted in conjunction with previously scheduled conferences or training.



6. Defendant Nationwide agrees to post a notice, for at least the duration of this Decree, of its intent to comply with the ADEA. This notice is set forth in Exhibit "A," which is attached to this Decree. Nationwide agrees to post a copy of Exhibit "A" in a conspicuous place in Nationwide's sales center in Corpus Christi, Texas, within ten days after this Decree is entered.

7. Defendant Nationwide, in settlement of this dispute, shall pay to James W. Stovall, the sum total of \$6,500.00 (SIX THOUSAND, FIVE HUNDRED AND 00/100), including all legal deductions. Payment shall be mailed directly to, James W. Stovall, Rt. 7, Box 860, Livingston, Texas 77351, within 14 days of the Court entering this Decree. A copy of the settlement check and any accompanying transmittal documents shall be forwarded to the EEOC to the attention of Robert B. Harwin, Regional Attorney, 5410 Fredericksburg Road, Suite 200, San Antonio, Texas 78229.

8. The terms of this Decree shall be binding upon the EEOC and Defendant Nationwide, its agents, officers, employees, servants, successors, and assigns, as to the issues resolved herein.

9. The parties to this Decree shall bear their own costs and attorney's fees incurred in this action. The parties agree that there is no "prevailing party" in this action or proceeding.

SO ORDERED AND ENTERED \_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
JANIS GRAHAM JACK  
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

C. GREGORY STEWART  
General Counsel

GWENDOLYN YOUNG REAMS  
Associate General Counsel

*Robert B. Harwin with permission*  
\_\_\_\_\_  
ROBERT B. HARWIN *by [Signature]*

*William O. Ashcraft*  
*(w/ permission by Anita Alessandra)*

**WILLIAM O. ASHCRAFT**  
Attorney-in-Charge  
Texas State Bar No. 01372800  
Southern District No. 11654

**ANITA M. ALESSANDRA**  
Texas State Bar No. 00988000  
Southern District No. 13936

**ASHCRAFT LAW FIRM**  
8750 North Central Expressway  
Suite 1070  
Dallas, Texas 75231  
Telephone: (214) 987-0660  
Telecopier: (214) 987-3847

and

**TOM M. HARRISON**  
Texas State Bar No. 09122300  
Southern District No. 1891  
**ROXANA V. SHIA**  
Texas State Bar No. 00785146  
Southern District No. 15608

**HORNBLOWER, MANNING & WARD, P.C.**  
711 N. Carancahua, Suite 1810  
Corpus Christi, Texas 78475  
Telephone: (361) 888-8041  
Telecopier: (361) 888-8222

**ATTORNEYS FOR DEFENDANT**

**Regional Attorney**  
**D. C. State Bar No. 076083**

*Linda Gutierrez*  
**LINDA GUTIERREZ**  
Supervisory Trial Attorney  
Texas State Bar No. 08642750  
Southern District No. 14464

*R. Chris Pittard*  
**R. CHRIS PITTARD**  
Attorney-in-Charge  
Texas State Bar No. 00794465  
Southern District No. 23449

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION**

San Antonio District Office  
5410 Fredericksburg Rd., Suite 200  
San Antonio, Texas 78229-3555  
Telephone: (210) 281-7636  
Telecopier: (210) 281-7669

**ATTORNEYS FOR PLAINTIFF**



## **NOTICE TO ALL EMPLOYEES**

NATIONWIDE HOUSING SYSTEMS, INC. SUPPORTS FEDERAL LAW REQUIRING THERE BE NO DISCRIMINATION AGAINST ANY APPLICANT OR EMPLOYEE BECAUSE OF HIS OR HER RACE, COLOR, SEX, NATIONAL ORIGIN, RELIGION, AGE OR DISABILITY AND REAFFIRMS ITS COMMITMENT NOT TO DISCRIMINATE AGAINST ANY APPLICANT OR EMPLOYEE ON ANY TERM OR CONDITION OF EMPLOYMENT.

NATIONWIDE HOUSING SYSTEMS, INC. WILL NOT DISCRIMINATE AGAINST ANY EMPLOYEE FOR OPPOSING EMPLOYMENT DISCRIMINATION OR FOR FILING OR PARTICIPATING IN A CHARGE OF EMPLOYMENT DISCRIMINATION.

IF YOU BELIEVE YOU ARE BEING DISCRIMINATED AGAINST IN ANY TERM OR CONDITION OF YOUR EMPLOYMENT BECAUSE OF YOUR RACE, RELIGION, COLOR, NATIONAL ORIGIN, SEX, AGE, OR DISABILITY, OR THAT YOU ARE BEING SUBJECTED TO HARASSMENT BECAUSE OF YOUR AGE OR HAVING ENGAGED IN ADEA-PROTECTED ACTIVITY, YOU ARE ENCOURAGED TO SEEK ASSISTANCE FROM SUPERVISORY PERSONNEL, THE HUMAN RESOURCES DEPARTMENT, 2450 SOUTH SHORE BOULEVARD, SUITE 300, LEAGUE CITY, TEXAS 77573, (281) 334-9700. YOU MAY ALSO SEEK ASSISTANCE FROM THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, 5410 FREDERICKSBURG ROAD, SUITE 200, SAN ANTONIO, TEXAS 78229-3550, (210) 281-7600 OR 1-800-669-4000.

NO RETALIATORY ACTION MAY BE TAKEN AGAINST YOU FOR SEEKING ASSISTANCE, FILING A CHARGE, OR COMMUNICATING WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

EEOC ENFORCES TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, WHICH PROHIBITS EMPLOYMENT DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX OR NATIONAL ORIGIN; THE AGE DISCRIMINATION IN EMPLOYMENT ACT; THE EQUAL PAY ACT; PROHIBITIONS AGAINST DISCRIMINATION AFFECTING INDIVIDUALS WITH DISABILITIES; SECTIONS OF THE CIVIL RIGHTS ACT OF 1991, AND TITLE I OF THE AMERICANS WITH DISABILITIES ACT, WHICH PROHIBITS DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES IN THE PRIVATE SECTOR AND STATE AND LOCAL GOVERNMENTS.

## **EXHIBIT "A"**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

NATIONWIDE HOUSING SYSTEMS, INC.

Defendant

§  
§  
§  
§  
§  
§  
§  
§

Civil Action No. CA-00-125

**FINAL JUDGMENT ORDER ENTERING CONSENT DECREE**

On this day came on to be heard the parties' Joint Motion to Enter Consent Decree. After reviewing the Consent Decree, the Court finds that all issues in the Complaint have been disposed of, that the parties are in agreement, and that the Consent Decree should be entered. The Court shall retain jurisdiction to enforce the terms and conditions as set forth in the Consent Decree, which is attached to the parties' Joint Motion to Enter Consent Decree.

It is therefore ordered that the Consent Decree is hereby entered.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
JANIS GRAHAM JACK  
UNITED STATES DISTRICT JUDGE